

**IN THE UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO**

IN RE: **DAMARYS FIGUEROA RIVERA**  
SSN xxx-xx-7042

CASE NO: **22-01797-MCF**

Debtor(s)

**Chapter 13**

**TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325**

\*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO\***

Total Agreed: **\$4,000.00**      Paid Pre-Petition: **\$392.00**      Outstanding (Through the Plan): **\$3,608.00**

\*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

**Debtor's/s' Commitment Period:** ☒ Under Median Income 36 months    ☐ Above Median Income 60 months §1325(b)(1)(B)  
☐ The Trustee cannot determine debtor's/s' commitment period at this time.    Projected Disposable Income: **\$0.00**

**Liquidation Value: \$0.00    Estimated Priority Debt: \$0.00**

**If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00**

With respect to the (amended) Plan date: **Dec 23, 2022 (Dkt 47)**      **Plan Base: \$39,196.00**

**The Trustee:**    ☐ **DOES NOT OBJECT**    ☒ **OBJECTS**    Plan Confirmation    Gen. Uns. Approx. Dist.: **14 %**

**The Trustee objects to confirmation for the following reasons:**

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.
- The Plan provides for the payment of post-petition arrears in the amount of \$1,923.81 for Select Portfolio, however, creditor has not amended the claim to includes the arrears, therefore, it cannot be considered that creditor accepted the treatment provided in the plan.
- Section 361 & 363 of the Bankruptcy Code: The plan fails to provide for the payment of insurance for a collateral related to a secured debt being paid in full through the plan.
- The plan fails to provide for the payment of car insurance for the vehicle encumbered by Oriental Bank.

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney throught CM-ECF notification system.

/s/ Jose R. Carrion, Esq.  
**CHAPTER 13 TRUSTEE**  
PO Box 9023884, San Juan PR 00902-3884  
Tel. (787)977-3535 Fax (787)977-3550

Date: January 18, 2023

/s/ Mayra Arguelles, Esq.